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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,366	07/11/2001	Frode Bjelland	032868-004	9560
27045	7590	02/22/2005	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			HOM, SHICK C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/903,366	BJELLAND ET AL.	
	Examiner	Art Unit	
	Shick C Hom	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 July 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-4 is/are rejected.

7) Claim(s) 5-12 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/4/02 7/5/02

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 1-12 are objected to because of the following informalities: In claim 1 line 4, the words "a user-plane entity" seem to refer back to the "user-plane entity" recited in claim 1 line 2. If this is true, it is suggested changing "a user-plane entity" to ---the user-plane entity---. In claim 5 lines 5-6 and 10, the words "a faulty path" and "a heartbeat acknowledgement message" seem to refer back to the "faulty path" and the "heartbeat acknowledgement message" recited in claim 5 lines 1 and 8, respectively. If this is true, it is suggested changing "a faulty path" and "a heartbeat acknowledgement message" to ---the faulty path--- and ---the heartbeat acknowledgement message---, respectively. In claim 9 line 11, the words "a user-plane peer" seem to refer back to the "user-plane peer" recited in claim 9 line 7. If this is true, it is suggested changing "a user-plane peer" to ---the user-plane peer---. Claims 2-4, 6-8, and 10-12 are objected to because they depend from objected claims 1, 5, and 9, respectively. Appropriate correction is required.

Specification

2. The disclosure is objected to because of the following informalities: in page 9 lines 25-29, update status of U.S. Patent application by Bjelland et al. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35

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U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin (6,640,105) in view of Braun et al. (4,022,983).

Regarding claims 1-4:

Shin discloses the method of re-establishing a connection between a radio network node and a core network having a control plane entity and a user plane entity in a communication network (in Fig. 1, see the control plane entity and the user plane entity and col. 1 line 59 to col. 2 line 6 which recite the communication network including the radio network node), comprising the steps of: sending, by the control-plane entity to a user-plane entity, an event in accordance with a media gateway control protocol, wherein the event orders the user-plane entity to notify the control-plane entity when user-plane traffic is received from another network node (see col. 3 lines 27-50 which describe the media access control protocol and Fig. 3, which shows step S2, the network control side sending the measurement control signal to the user side, and the user side response by notifying the control side via the measurement report, i.e. step S6) as in claim 1; and wherein the communication network

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provides general packet radio service (see col. 1 lines 36-45 which recite the radio access network RAN including W-CDMA according TD-CDMA mode) as in claim 4.

For claims 1-3, Shin discloses all the subject matter of the claimed invention with the exception of the method further includes releasing the connection between the radio network node and the user-plane entity; receiving user-plane traffic at the user-plane entity and in response notifying the control-plane entity of this receipt; and re-establishing the connection between the radio network node and the user-plane entity as in claim 1; the method further comprising the step of forwarding the received user-plane traffic from the user-plane entity towards the radio network node after the connection has been re-established as in claim 2; and wherein the connection is re-established in response to an order by the control-plane entity as in claim 3.

Braun et al. from the same or similar fields of endeavor teach that it is known to provide the step of releasing the connection between the radio network node and the user-plane entity; receiving user-plane traffic at the user-plane entity and in response notifying the control-plane entity of this receipt; and re-establishing the connection between the radio network node and the user-plane entity; forwarding the received

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user-plane traffic from the user-plane entity towards the radio network node after the connection has been re-established; and wherein the connection is re-established in response to an order by the control-plane entity (see abstract and col. 25 lines 18-28 which recite the steps of releasing the connection from the station, establishing the second connection from the station to the second trunk circuit, and reestablishing the communication connection from the station to the first trunk circuit being activated by the release of the second connection, which reads on re-establishing in response to an order by the control-plane). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the step of releasing the connection between the radio network node and the user-plane entity; receiving user-plane traffic at the user-plane entity and in response notifying the control-plane entity of this receipt; and re-establishing the connection between the radio network node and the user-plane entity as taught by Braun et al. in the method of communication connection of Shin. The steps of releasing the connection between the radio network node and the user-plane entity; receiving user-plane traffic at the user-plane entity and in response notifying the control-plane entity of this receipt; and re-establishing the connection between the radio network node

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and the user-plane entity can be implemented by provide these steps Braun et al. in the controllers at the control-plane entity and user-plane entity of Shin. The motivation for providing the steps of releasing the connection between the radio network node and the user-plane entity; receiving user-plane traffic at the user-plane entity and in response notifying the control-plane entity of this receipt; and re-establishing the connection between the radio network node and the user-plane entity as taught by Braun et al. in the communication connection method of Shin being that it provides the desirable added feature of placing a call on hold at the receiving end.

Allowable Subject Matter

6. Claims 5-12 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burns et al. disclose method and apparatus for recovering from a signalling failure in a switched connection data transmission network.

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Fujino discloses cordless telephones system and communication method thereof.

Fernando et al. disclose technique for reducing consumption of router resources after BGP restart.

Inouchi et al. disclose communication control method of controlling data flow from internet protocol network to mobile terminal.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH


DAYTON
PRIMARY EXAMINER